

GOVERNOR'S
REASONS
FOR VETO
(cont'd):

justify adoption of an actuarially unsound policy.

SPONSOR'S
VIEW:

Rep. Hill said the veto was "not a total surprise," though he thought the Governor had based his decision on misinformation. As originally drafted, the bill would have covered about 10 people. When the ERS opposed the bill, claiming it was actuarially unsound and saying it could jeopardize the system's tax-exempt status, the sponsor redrafted the bill. The new version covered only two people, contained a "self-destruct" provision if the IRS threatened the tax-exempt status, and made the bill actuarially sound by changing the age and length-of-service requirements for state officials. Having redrafted the bill according to ERS specifications, the sponsor assumed ERS opposition would be withdrawn. He now believes that despite the concessions made, ERS encouraged the veto.

The sponsor also said the type of exceptions the bill proposed had precedent in ERS policy. Elected state officials who have been teachers or active in the military have traditionally been able to add those employment years to their years as state officials, for retirement benefit purposes. Given these precedents, the sponsor thought it would be reasonable to extend benefits to a legislator who was asked by the President to serve the country in a top-level executive position.

Election dates for cities, towns, and school districts
(HB 2119 by Elizondo)

DIGEST:

Under current law, cities, towns, and school districts may hold elections for officers on designated Saturdays in January, April, and August, and, in a few cases, on the first Tuesday after the first Monday in November. The bill would have required most school districts and incorporated cities and towns to hold general elections on the first Saturday in April. Where applicable, cities and school districts would have used common polling places for the elections.

GOVERNOR'S
REASONS
FOR VETO:

The Governor acknowledged that the bill's purpose--to increase voter turnout in local elections--was laudable. But he said the bill would have delayed for five months city and school district elections scheduled for November, 1981, and that the effect would be disruptive for many local governments. The bill would have been particularly disruptive for Houston, which already holds joint city council-school board elections in November. He questioned

GOVERNOR'S
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FOR VETO
(cont'd):

whether it was appropriate for the state to mandate a specific election date rather than letting local governments choose one of the four dates provided under current law.

SPONSOR'S
VIEW:

Rep. Elizondo said the bill was intended to save the taxpayers money by requiring joint school board and city council elections. He said it was not intended to hurt the City of Houston. "In his eagerness to veto the bill, the Governor never did consult me at all," the sponsor said. Had he been aware that Houston was already complying with the intent of the bill, the sponsor said he would have written the bill to exempt Houston, or otherwise have altered it to prevent problems. He said he will introduce a similar bill next session.

Contributions to Treasurer
(HB 2123 by Brookshire)

DIGEST:

This bill would have prevented persons who profit from state deposits from making campaign contributions to the State Treasurer and to other members of the state Depository Board. It would be a Class A misdemeanor for a board member to intentionally or knowingly accept a contribution prohibited by this bill.

GOVERNOR'S
REASONS
FOR VETO:

By severely restricting certain persons or groups from influencing the State Depository Board by either making campaign contributions or granting something of value for office activities, this bill would present serious constitutional problems. It would deny incumbent board members equal access to campaign contributions with the challenger. This could violate the Equal Protection Clause of the Fourteenth Amendment, and the Freedom of Speech Clause of the First Amendment. Present bribery statutes prohibit undue influence to members of the State Depository Board. This bill would infringe upon the right of Texans to participate in the political process.

SPONSOR'S
VIEW:

Rep. Brookshire said the Governor should not have vetoed this bill. He said when the State Treasurers have run for re-election, they often have called up banks to get contributions. Some bankers even say that if they don't contribute, they don't get state deposits. HB 2123 would have eliminated this abuse.